United States District Court Southern District of Texas

ENTERED

August 30, 2023
Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

JOANN HERNANDEZ,	§	
Dlaintiff	§	
Plaintiff,	8	
	§	
V.	§	CIVIL ACTION NO. H-22-2211
	§	
KILOLO KIJAKAZI, Acting	§	
Commissioner of Social Security	§	
Administration,	§	
	§	
Defendant.	8	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION GRANTING IN PART AND DENYING IN PART THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, GRANTING IN PART AND DENYING IN PART THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AND REMANDING

This court has reviewed the United States Magistrate Judge's August 2, 2023, Memorandum and Recommendation on the cross-motions for summary judgment. No objections were filed. This court has made a *de novo* determination. Fed. R. Civ. P. 72(b); 28 U.S.C. 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that the Administrative Law Judge failed to comply with the Appeals Council remand order. The plaintiff's motion for summary judgment, (Docket Entry No. 15), is granted in part and denied in part; the Commissioner's corrected motion for summary judgment, (Docket Entry No. 18), is granted in part and denied in part. The Commissioner's motion for summary judgment, (Docket Entry No. 17), is denied as moot. This matter is remanded to the Social Security Administration for further proceedings in accordance with this order.

An order of remand is entered by separate order.

SIGNED on August 30, 2023, at Houston, Texas.

Lee H. Rosenthal

Lee N. Rosentha

United States District Judge